



FOX TELEVISION STATIONS, INC.
A UNIT OF FOX ENTERTAINMENT GROUP

COPY

444 North Capitol Street NW, Suite 740
Washington, DC 20001
Phone 202 715 2350 • Fax 202 824 6510
Cell 202 679 8567

RECEIVED - FCC

JUL 13 2009

Dianne Smith
Vice President
Legal and FCC Compliance
e-mail: dianne.smith@newscorp.com

July 13, 2009

Federal Communications Commission
Bureau / Office

Cheryl J. King, Deputy Chief
Disability Rights Office/CGB
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Complainant: Jenifer Simpson
Complaint Number: 09-C00125277-FC
Response of WTTG, FCC Facility ID No. 22207

Dear Deputy Chief King:

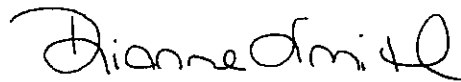
Fox Televisions Stations, Inc., licensee of WTTG, Washington, DC, responds to the above-referenced complaint of our viewer, Jenifer Simpson, and apologizes that the closed captioning during breaking news on June 10, 2009 was interrupted. WTTG uses Caption Colorado for breaking news captioning. The events of June 10th are outlined below:

- 1:14 pm EDT WTTG contacts Caption Colorado's emergency line requesting captions until 2:00 pm EDT for the shooting outside the United States Holocaust Memorial Museum.
- 1:17 pm EDT Caption Colorado's captioner connects to WTTG's encoder 65.223.178.9.
- 1:21 pm EDT WTTG calls Caption Colorado to confirm that a captioner is ready.
- 1:25 pm EDT The first captions are sent.
- 2:12 pm EDT WTTG calls Caption Colorado to extend captions until 5:00 pm EDT.
- 3:00 pm EDT The current captioner's scheduled time is over. The last captions by this captioner were sent at 2:59:33 pm EDT.
- 3:01:36 pm EDT WTTG returned to regularly scheduled programming.
- 3:01:52 pm EDT The relief captioner connects and hears WTTG regular programming, which is captioned.

Cheryl J. King, Deputy Chief
July 13, 2009
Page 2

Later breaking news cut-ins related to the shooting were closed captioned. The gap with no closed captioning due to a captioner change at Caption Colorado was not anticipated by WTTG and its staff. WTTG has communicated extensively with Caption Colorado to ensure that this does not occur again during breaking news. We appreciate Ms. Simpson notifying us about the problem and thank her for watching WTTG.

Respectfully submitted,

A handwritten signature in black ink that reads "Dianne Smith". The signature is written in a cursive, flowing style.

Dianne Smith

Enclosure

cc. Jenifer Simpson
American Association of People with Disabilities
1629 K Street, Suite 950
Washington, DC 20006



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e-mail: dianne.smith@newscorp.com

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

June 18, 2009

Jenifer Simpson
1629 K Street, NW
Washington, DC 20006

RE: Notice of Informal Complaint – Federal Communications Commission
09-C00125277-FC

Dear Ms. Simpson:

This letter is to acknowledge that Fox Television Stations, Inc., on behalf of WTTG, Washington, DC, received the enclosed complaint from the Federal Communications Commission on June 16, 2009.

Sincerely,

Dianne Smith

Enclosure (Copy of Complaint)

cc. WTTG Public File

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

June 15, 2009

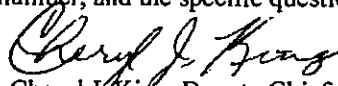
In Reply Refer To: 09-C00125277-FC
WTTG-TV (Simpson)

THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.2 of the Commission's Rules, 47 C.F.R. § 79.2. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.2(c) of the Commission's Rules, 47 C.F.R. § 79.2(c), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Your response should include: (1) the Complainant's name, and (2) the Case number. Please also include some form of recording (CD, DVD, VHS) of the time(s) and date(s) of the complained about event(s). For hand deliveries, the Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m., Monday-Friday. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Cheryl.King@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Francine Crawford at (202) 418-2085 or Francine.crawford@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.


Cheryl J. King, Deputy Chief
Disability Rights Office/CGB

Attachment(s)
K:613/79.2



Admin 2000

francine.crawford [ADMIN] Logout

HOME SERVE SEARCH NEW COMPLAINT ASSIGN ADMIN HELP
In-Process Complaints Completed Complaints Served Complaints All In-Process Complaints All Completed Complaints

Form 2000C: 09-C00125277-1

« Back to Complaints

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form

USER FORM

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form



ConsumerParty_History



Consumer_History



Edit Form

User Complaint Number: 09-C00125277

User Complaint Key: 09-C00125277-1

Complaint Source: Web

Added User: Consumer

CONSUMER'S INFORMATION

First Name: Jennifer

Last Name: Simpson

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: 1629 K Street NW

City: Washington State: DC

Zip Code: 20006

Telephone Number(Residential or Business): (202) 521 -4103 Ext:

E-mail Address: jsimpson@aapd.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

party_daytime_phpne () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- Letter Facsimile (fax) Telephone Voice
- TRS (designate form of TRS and appropriate contact information)
- TTY Internet E-mail ASCII Text Audio-Cassette Recording Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:
 - Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
 - Accessibility of emergency information on television
 - Closed Captioning (absence, quality or pass through High Definition (HD) programs)

NOTE: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>

- Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
- Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **WTTG Channel 5 DT-1**

City: **Washington** State: **FL** Zip Code:

Telephone number: () -

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) **06/10/2009** Time: **02:59 PM** and any details of when the event or action you are complaining about occurred: **I am complaining because at 2:59pm, today 6/10/09, right in the middle of the breaking emergency situation news update on the holocaust museum shooting, the captioning stopped dead, then it started very quickly-- too fast to read the name of the shooter -- and then stopped dead again, and then a note appeared "CAPTIONER CHANGE" or something like that, and then no more captioning for at least 2 and half minutes during this breaking emergency news so I got none of the information that the announcer was stating and which may have been about roads closed, or action steps the emergency responders were advising. I had no idea what was going on because the captioning just dropped right in the middle of the news! The captioning started up again at 3:01 pm during the regularly programmed show ("Judge Alex"?) which I wasn't the least bit interested in watching. I wanted the news about the shooting and the critical details of that event. Sent to WTTG http://www.myfoxdc.com/subindex/about_us/**

5. If your complaint is about access to emergency information on television, provide the following information:

- a. Television station call sign (e.g., "WZUE-TV"): **WTTG-DT1**
 - b. Station channel (e.g., "13"): **5**
 - c. Station location: City: **Washington State: DC**
 - d. Date(s) and time(s) of emergency: Time:
Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred): **A shooting at the Holocaust Museum in Washington DC, people shot, roads cordoned off, other images of ambulances, fire trucks, people rushing around.**
6. If your complaint is about closed captioning, provide the following:
 - a. Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"):
 - b. Station frequency (e.g., "1020" or "88.5") or channel (e.g., "13"):
 - c. Station location: City: State:
 - d. Name of program(s) involved:

Note: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **There was no way to know what was going on as WTTG's captioner went away and they didn't replace this person, right IN THE MIDDLE OF A BREAKING NEWS EMERGENCY on a shooting in downtown DC!**